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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q86664

Graham Edmund KELLY

Appln. No.: National Stage Entry of PCT/AU2003/001296

Confirmation No.: Unknown

Group Art Unit: Unknown

Filed: April 04, 2005

Examiner: Unknown

For: COMBINATION CHEMOTHERAPY COMPOSITIONS AND METHODS

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, along with a copy of the corresponding Communication from a Foreign Patent Office, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

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filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,


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23373

CUSTOMER NUMBER

Date: April 4, 2005

Substitute for Form 1449 A & B/PTO <u>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</u> <i>(use as many sheets as necessary)</i>				Complete if known	
				Application Number	National Entry of PCT/AU2003/001296
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				First Named Inventor	Graham Edmund KELLY
				Art Unit	Unknown
				Examiner Name	Unknown
				Attorney Docket Number	Q86664
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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
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FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		WO	02/02548	A1	01-10-2002	Orion Corporation	
		WO	00/66576	A1	11-09-2000	G.J. Consultants Pty Ltd	
		WO	99/49862	A1	10-07-1999	The University of Mississippi	
		WO	98/17662	A1	04-30-1998	Novartis AG	
		EP	267155	A2	05-11-1988	ZYMA SA	
		WO	80/02098	A1	10-16-1980	Z-L Limited Partnership	

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		STN File Medline, abstract accession number 2003459262 & TAMURA S. et al., Pigment Cell Research, (2003 Oct) 16 (5) 470-6, " Genistein enhances the cisplatin-induced inhibitions of cell growth and apoptosis in human malignant melanoma cells"	
		STN File Biosis, abstract accession number 2003:368481 & MANSOUR A. et al., Blood (November 16, 2002) Vol. 100, No. 11, pp. Abstract NO. 4997, "Enhancement of chemotherapeutic efficacy by combining agents that block IL-10 in CIL cell lines"	
		STN File Medline, abstract accession number 2002151803 & S. GIACOMELLI et al., Life Sciences (8 February 2002), pages 1447-1459, "Silybin and its bioavailable phospholipids complex (IdB 1016) potentiate in vitro and in vivo in the activity of cisplatin"	
		STN File Medline, abstract accession number 2000404390 & CALTAGIRONE S. et al, International Journal of Cancer (15 August 2000), 87 (4), pages 595-600, "Flavonoids apigenin and quercetin inhibit melanoma growth and metastatic potential"	
		STN File Medline, abstract accession number 96273517 & SCAMBIA G. et al, European Journal of Cancer (May 1996), 32A(5), pages 877-882, "Antiproliferative effect of silybin on gynaecological malignancies: synergism with cisplatin and doxorubicin"	
		STN File Medline, abstract accession number 91191699 & WAUD W. R. et al, Cancer Chemotherapy and Pharmacology (1991), 27(6), pages 456-463, "Antitumor drug cross-resistance in vivo in a cisplatin-resistant murine P388 leukemia"	

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	-	STN File Medline, abstract accession number 91107211 & NEELAM S. S. et al, Investigational New Drugs (August 1990), 8 (3), pages 263-268, "Combination of flavone acetic acid (FAA) with adriamycin, cisplatin and difluoromethylornithine (DFMO) in vitro against human colon cancer cells"		
	/	STN File Medline, abstract accession number 92032982 & SCAMBIA G. et al, Anti-Cancer Drugs (October 1990), 1 (1), pages 45-48, "Synergistic antiproliferative activity of quercetin and cisplatin on ovarian cancer cell growth"		
	-	STN File CA, abstract number 119:131038 & DE VINCENZO R. et al, Acta Medica Romana (1992), 30 (1-2), pages 126-132, "Flavonoids and negative control of cell proliferation in ovarian tumors"		
	/	ZYNER E. et al, Acta Poloniae Pharmaceutica Drug Research, 1999, 56(2), pages 159-167, "Platinum (II) and palladium (II) N, O-chelates with substituted flavanone containing ligands"		
	-	ZYNER E. et al, Pharmazie, 1999, 54 (12), pages 945-946, "Pt (II) and Pd (II) complexes of 3-aminoflavone: in vitro and in vivo evaluation"		
	-	LEI W. et al, Anticancer Research, 1999, volume 19, pages 221-228, "Enhancement of chemosensitivity and programmed cell death by tyrosine kinase inhibitors correlates with EGFR expression in non-small cell lung cancer cells"		
	/	KANG B-J et al, Natural Product Sciences, 2000, 6(4), pages 165-169, "Scientific analysis of formulation theory of Chungpesagan-tang; in vitro cytotoxicity of cisplatin combined with Chungpesagan-tang"		
	/	SEPULVEDA-BOZA, S et al, "The Preparation of New Isoflavones", Synthetic Communications (2001) vol. 31 no. 12 pages 1933-1940		
	/	O'NEIL, M J. et al, "Inducible Isoflavonoids from the Lima Bean, Phaseolus lunatus", Phytochemistry (1986) vol. 25, no. 6 pages 1315-1322		
	/	WOLFBEIS, O S et al, "The Absorption and Fluorescence of Isoflavones and the Effect of Shift Regents", Z. Naturforsch (1984) 39b pages 238-243		
	-	ARORA, S K et al, "The Synthesis of Tlatlancuayin", Tetrahedron (1962) vol. 18 pages 559-565		
	/	STN Chemical Abstract Accession No. 135: 355315 & Chemical And Pharmaceutical Bulletin (2001), 49 (9), 1229-1231		
	/	STN Chemical Abstract Accession No. 135:121648 & Journal of Agricultural and Food Chemistry (2001), 49 (6) 3024-3033		
	-	STN Chemical Abstract Accession No. 124:341448 & Archives of Microbiology (1995), 164 (6), 428-34		
	/	STN Chemical Abstract Accession No. 124:316797 & Chemical And Pharmaceutical Bulletin (1996), 44 (3), 486-91		
	/	STN Chemical Abstract Accession No. 124: 140985 & Tennen Yuki Kagobutsu Toronkai Koen Yoshishu (1995), 37 th , 493-8		
	/	STN Chemical Abstract Accession No. 115:68424 & Phytochemistry (1991), 30 (4), 1281-4		
	/	STN Chemical Abstract Accession No. 114:41246 & Angewandte Botanik (1990), 64 (1-2), 175-90		
	/	STN Chemical Abstract Accession No. 112:69573 & International Journal of Tissue Reactions (1989), 11 (3), 107-12		
	/	STN Chemical Abstract Accession No. 102:59329 & Phytochemistry (Elsevier) (1984), 23 (11), 2703-4		

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	/	STN Chemical Abstract Accession No. 102:59220 & Phytochemistry (Elsevier) (1984), 23 (6), 1342-3			
	/	STN Chemical Abstract Accession No. 97:109739 & J. Chem. Soc., Perkin Trans. 1 (1982), (6), 1389-94			
	/	STN Chemical Abstract Accession No. 95:111690 & Phytochemistry (1981), 20 (4), 799-801			
	/	STN Chemical Abstract Accession No. 82:97918 & J. Inst. Chem., Calcutta (1974), 46, Pt. 3, 61-5			
	/	STN Chemical Abstract Accession No. 76:140428 & J. Inst. Chem., Calcutta (1971), 43 (6), 234-40			
	/	STN Chemical Abstract Accession No. 70:57577 Indian J. Chem. (1968), 6 (9), 481-4			
	/	STN Chemical Abstract Accession No. 63:54547 & Bull. Chem. Soc. Japan (1965), 38 (6), 887-93			
	/	STN Chemical Abstract Accession No. 61:61569 & Periodica Polytech. (1963), 7 (4), 241-58			
	/	STN Chemical Abstract Accession No. 126:139728 (see CAS RN 116718-84-4) & Atherosclerosis (1997), 128 (1), 59-66			
	/	JHA, H C et al, "Carbon-13 Chemical Shift Assignments of Chromones and Isoflavones", Can. J. Chem. (1980) vol. 58 no. 12 pages 1211-1219			
	/	STN Chemical Abstracts Accession No. 128:164027 & Antioxidants in Health and Disease (1998), 7 (Flavanoids in Health and Disease) pages 295-302			
	/	STN Chemical Abstracts Accession No. 117:124019 & Biochemical Pharmacology (1992) vol. 44 (1), pages 157-162			

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